

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Gary Towns,	:	
	:	
Petitioner	:	Case No. 2:09-cv-00147
	:	
v.	:	Judge Sargus
	:	
Franklin County Common Pleas Court,	:	Magistrate Judge Abel
	:	
Respondent	:	
	:	


**ORDER**

Petitioner Gary Towns, a prisoner at the Franklin County Jail, brought this action for writ of habeas corpus under 28 U.S.C. §2254. However, he neither paid the Court's \$5 filing fee for a habeas corpus action nor moved to proceed *in forma pauperis*. Further, he did not file this action on the Court's form habeas corpus petition.

On March 3, 2009, a Deficiency Order was filed. Petitioner was to either pay the \$5 filing fee or fill out and execute an Application and Affidavit by An Incarcerated Person to Proceed Without Pre-payment of Fees and Costs and submit it together with the cashier's statement of his inmate funds within thirty days of the date of the order. He was advised that failure to do so would result in this habeas corpus action being dismissed. *See, McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997).

Petitioner Towns has failed to make any response to the March 3, 2009 Deficiency Order. He has not paid the \$5 filing fee; and he has not moved to proceed without prepayment of fees and costs. He has not executed the Court's form habeas corpus petition.

Accordingly, the Court DIRECTS the Clerk of Court to enter JUDGMENT dismissing this habeas corpus action for failure to comply with the March 3, 2009 Deficiency Order.

 4-9-2009  
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Edmund A. Sargus, Jr.  
United States District Judge